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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE JAN 08 2004



Application of: BARBERICH *et al.*

TECH CENTER 1600/2800

Application No: 09/527,844

Group Art Unit: 1617

Filed: March 17, 2000

Examiner: M. Bahar

For: METHODS FOR THE TREATMENT  
OF NEUROLEPTIC AND RELATED  
DISORDERS USING ZIPRASIDONE  
METABOLITES

**BRIEF ON APPEAL**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 C.F.R. §§ 1.191-2, an appeal is taken herein from the final rejection dated June 18, 2003, which rejects claims 1-15 and 50-53 of this application. Appellants submit herewith: (a) an original and two copies of this Appeal Brief; (b) three copies of each Exhibit cited in the Appeal Brief; and (c) a Petition for Extension of Time with provision for the required fee.

**I. REAL PARTY IN INTEREST**

The real party of interest is the assignee of the above-identified application: Sepracor Inc.

**II. RELATED APPEALS AND INTERFERENCES**

Appellants and their legal representatives hereby submit that they are not aware of any appeal or interference which directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

Thus, it is respectfully submitted that the final rejections of claims 1-15 and 50-53 under 35 U.S.C. §§ 102 and 103 are in error and warrant reversal by the Board.

Respectfully Submitted,

Date: December 30, 2003

  
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